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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

DECLARATIONS, RESERVATIONS, WITHDRAWALS OF RESERVATIONS AND OBJECTIONS TO RESERVATIONS AND DECLARATIONS RELATING TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Note by the Secretary-General

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Introduction

This document contains the texts of the reservations, withdrawals of reservations, declarations and objections made by States with respect to the International Convention on the Elimination of All Forms of Racial Discrimination as at 31 May 1993 and is based upon Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1992 1/ and upon notifications received by the Secretary-General to that date. As indicated in paragraph 10 of the introduction to that publication, the texts of reservations, declarations and objections are normally reproduced in full. Unless shown in quotations marks, the text is a translation by the Secretariat.

I. LIST OF STATES WHICH HAVE RATIFIED OR ACCEDED OR SUCCEEDED TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AS AT 31 MAY 1993 (135)

Adoption by the General Assembly of the United Nations on 21 December 1965 2/

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.
REGISTRATION: 12 March 1969, No. 9464.
TEXT: United Nations, Treaty Series, vol. 660, p. 195; and depositary notification C.N.419.1992.TREATIES-5 of 1 March 1993 (proposed amendment to article 8).

Note: The Convention was opened for signature at New York on 7 March 1966.

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988 b/	25 October 1988 b/
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bahrain	27 March 1990 a/	26 April 1990
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belarus	8 April 1969	8 May 1969
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 a/	17 August 1974
Burundi	27 October 1977	26 November 1977
Cambodia	28 November 1983	28 December 1983
Cameroon	24 June 1971	24 July 1971

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Entry into force
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988 a/	10 August 1988
Costa Rica	16 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973 a/	3 February 1973
Croatia	12 October 1992 b/	8 October 1991
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czech Republic	22 February 1993 b/	1 January 1993
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983
Ecuador	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Estonia	21 October 1991 a/	20 November 1991
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
Germany	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Entry into force
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Latvia	14 April 1992 a/	14 May 1992
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Maldives	24 April 1984 a/	24 May 1984
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972 a/	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Entry into force
Nepal	30 January 1971 a/	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 a/	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 a/	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 a/	23 September 1982
Qatar	22 July 1976 a/	21 August 1976
Republic of Korea	5 December 1978 a/	4 January 1979
Republic of Moldova	26 January 1993 a/	25 February 1993
Romania	15 September 1970 a/	15 October 1970
Russian Federation	4 February 1969	6 March 1969
Rwanda	16 April 1975 a/	16 May 1975
Saint Lucia	14 February 1990 b/	14 February 1990 b/
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 a/	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Slovakia	28 May 1993 b/	28 May 1993 b/
Slovenia	6 July 1992 b/	6 July 1992
Solomon Islands	17 March 1982 b/	17 March 1982 b/
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 a/	4 January 1969
Sri Lanka	18 February 1982 a/	20 March 1982

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Entry into force
Sudan	21 March 1977 a/	20 April 1977
Suriname	15 March 1984 b/	15 March 1984 b/
Swaziland	7 April 1969 a/	7 May 1969
Sweden	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 a/	21 May 1969
Togo	1 September 1972 a/	1 October 1972
Tonga	16 February 1972 a/	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980 a/	21 December 1980
Ukraine	7 March 1969	6 April 1969
United Arab Emirates	20 June 1974 a/	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 a/	26 November 1972
Uruguay	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 a/	9 July 1982
Yemen	18 October 1972 a/	17 November 1972
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 a/	21 May 1976
Zambia	4 February 1972	5 March 1972
Zimbabwe	13 May 1991 a/	12 June 1991

II. TEXTS OF DECLARATIONS, RESERVATIONS, WITHDRAWALS AND OBJECTIONS

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

A. Declarations and reservations

AFGHANISTAN

[Original: Dari]

Upon accession

While acceding to the International Convention on the Elimination of All Forms of Racial Discrimination, the Democratic Republic of Afghanistan does not consider itself bound by the provisions of article 22 of the Convention since according to this article, in the event of disagreement between two or several States parties to the Convention on the interpretation and implementation of provisions of the Convention, the matters could be referred to the International Court of Justice upon the request of only one side.

The Democratic Republic of Afghanistan, therefore, states that should any disagreement emerge on the interpretation and implementation of the Convention, the matter will be referred to the International Court of Justice only if all concerned parties agree with that procedure.

Declaration

Furthermore, the Democratic Republic of Afghanistan states that the provisions of articles 17 and 18 of the International Convention on the Elimination of All Forms of Racial Discrimination have a discriminatory nature against some States and therefore are not in conformity with the principle of universality of international treaties.

ANTIGUA AND BARBUDA

[Original: English]

Declaration

The Constitution of Antigua and Barbuda entrenches and guarantees to every person in Antigua and Barbuda the fundamental rights and freedoms of the individual irrespective of race or place of origin. The Constitution prescribes judicial processes to be observed in the event of the violation of any of these rights, whether by the State or by a private individual. Acceptance of the Convention by the Government of Antigua and Barbuda does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligations to introduce judicial processes beyond those provided in the Constitution.

The Government of Antigua and Barbuda interprets article 4 of the Convention as requiring a party to enact measures in the fields covered by subparagraphs (a), (b) and (c) of that article only where it is considered that the need arises to enact such legislation.

AUSTRALIA

[Original: English]

Upon ratification

The Government of Australia ... declares that Australia is not at present in a position specifically to treat as offences all the matters covered by article 4 (a) of the Convention. Acts of the kind there mentioned are punishable only to the extent provided by the existing criminal law dealing with such matters as the maintenance of public order, public mischief, assault, riot, criminal libel, conspiracy and attempts. It is the intention of the Australian Government, at the first suitable moment, to seek from Parliament legislation specifically implementing the terms of article 4 (a).

AUSTRIA

[Original: English]

Upon ratification

Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that the measures specifically described in subparagraphs (a), (b) and (c) shall be undertaken with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. The Republic of Austria therefore considers that through such measures the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association may not be jeopardized. These rights are laid down in articles 19 and 20 of the Universal Declaration of Human Rights; they were reaffirmed by the General Assembly of the United Nations when it adopted articles 19 and 21 of the International Covenant on Civil and Political Rights and are referred to in article 5 (d) (viii) and (ix) of the present Convention.

BAHAMAS

[Original: English]

Upon succession

Firstly, the Government of the Commonwealth of the Bahamas wishes to state its understanding of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration set out in article 5 of the Convention (in particular to freedom of opinion and expression and the right of freedom of peaceful assembly and association) that some legislative addition to, or variation of existing law and practice in these fields is necessary for the attainment of the ends specified in article 4. Lastly, the Constitution of the Commonwealth of the Bahamas entrenches and guarantees to every person in the Commonwealth of the Bahamas the fundamental rights and freedoms of the individual irrespective of his race or place of origin. The Constitution prescribes judicial process to be observed in the event of the violation of any of these

the ends specified in article 4. Lastly, the Constitution of the Commonwealth of the Bahamas entrenches and guarantees to every person in the Commonwealth of the Bahamas the fundamental rights and freedoms of the individual irrespective of his race or place of origin. The Constitution prescribes judicial process to be observed in the event of the violation of any of these rights whether by the State or by a private individual. Acceptance of this Convention by the Commonwealth of the Bahamas does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce judicial process beyond those prescribed under the Constitution.

BAHRAIN 3/

[Original: English]

Upon accession

Reservation

With reference to article 22 of the Convention, the Government of the State of Bahrain declares that, for the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the express consent of all the parties to the dispute is required in each case.

Moreover, the accession by the State of Bahrain to the said Convention shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith.

BARBADOS

[Original: English]

Upon accession

The Constitution of Barbados entrenches and guarantees to every person in Barbados the fundamental rights and freedoms of the individual irrespective of his race or place of origin. The Constitution prescribes judicial processes to be observed in the event of the violation of any of these rights whether by the State or by a private individual. Accession to the Convention does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligations to introduce judicial processes beyond those provided in the Constitution.

The Government of Barbados interprets article 4 of the said Convention as requiring a party to the Convention to enact measures in the fields covered by subparagraphs (a), (b) and (c) of that article only where it is considered that the need arises to enact such legislation.

BELARUS

[Original: Russian]

Upon signature and on ratification

The Byelorussian Soviet Socialist Republic states that the provision in article 17, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.

BELGIUM

[Original: French]

Upon ratification

In order to meet the requirements of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Kingdom of Belgium will take care to adapt its legislation to the obligations it has assumed in becoming a party to the said Convention.

The Kingdom of Belgium nevertheless wishes to emphasize the importance which it attaches to the fact that article 4 of the Convention provides that the measures laid down in subparagraphs (a), (b) and (c) should be adopted with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. The Kingdom of Belgium therefore considers that the obligations imposed by article 4 must be reconciled with the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. Those rights are proclaimed in articles 19 and 20 of the Universal Declaration of Human Rights and have been reaffirmed in articles 19 and 21 of the International Covenant on Civil and Political Rights. They have also been stated in article 5, subparagraph (d) (viii) and (ix) of the said Convention.

The Kingdom of Belgium also wishes to emphasize the importance which it attaches to respect for the rights set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms, especially in articles 10 and 11 dealing respectively with freedom of opinion and expression and freedom of peaceful assembly and association.

BULGARIA

[Original: French]

Upon signature and on ratification

The Government of the People's Republic of Bulgaria considers that the provisions of article 17, paragraph 1, and article 18, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the effect of which is to prevent sovereign States from becoming parties to the Convention, are of a discriminatory nature. The

Convention, in accordance with the principle of the sovereign equality of States, should be open for accession by all States without any discrimination whatsoever.

CHINA 4/

[Original: Chinese]

Upon accession

Reservation

The People's Republic of China has reservations on the provisions of article 22 of the Convention and will not be bound by it. (The reservation was circulated by the Secretary-General on 13 January 1982.)

Declaration

The signing and ratification of the said Convention by the Taiwan authorities in the name of China are illegal and null and void.

CUBA

[Original: Spanish]

Upon signature

The Government of the Republic of Cuba will make such reservations as it may deem appropriate if and when the Convention is ratified.

Upon ratification

Reservation

The Revolutionary Government of the Republic of Cuba does not accept the provision in article 22 of the Convention to the effect that disputes between two or more States parties shall be referred to the International Court of Justice, since it considers that such disputes should be settled exclusively by the procedures expressly provided for in the Convention or by negotiation through the diplomatic channel between disputants.

Statement

This Convention, intended to eliminate all forms of racial discrimination, should not, as it expressly does in articles 17 and 18, exclude States not Members of the United Nations, members of the specialized agencies or parties to the Statute of the International Court of Justice from making an effective contribution under the Convention, since these articles constitute in themselves a form of discrimination that is at variance with the principles set out in the Convention; the Revolutionary Government of the Republic of Cuba accordingly ratifies the Convention, but with the qualification just indicated.

CZECH REPUBLIC

[Original: English]

Upon succession

The Czech Republic considers that the provision of article 17, paragraph 1, is not in keeping with the aims and objectives of the Convention since it fails to ensure that all States without any distinction and discrimination be given an opportunity to become parties to the Convention.

EGYPT

[Original: English]

Upon signature and on ratification

The United Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

FIJI

[Original: English]

Upon succession

The reservation and declarations formulated by the Government of the United Kingdom on behalf of Fiji are affirmed but have been redrafted in the following terms:

To the extent, if any, that any law relating to elections in Fiji may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Fiji which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Fiji may not fulfil the obligations referred to in articles 2, 3 or 5 (e) (v), the Government of Fiji reserves the right not to implement the aforementioned provisions of the Convention.

The Government of Fiji wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. Further, the Government of Fiji interprets the requirement

in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end. In addition it interprets article 20 and the other related provisions of part III of the Convention as meaning that if a reservation is not accepted the State making the reservation does not become a party to the Convention.

The Government of Fiji maintains the view that article 15 is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories whilst making no comparable provision for States without such territories.

FRANCE 5/

[Original: French]

Upon accession

With regard to article 4, France wishes to make it clear that it interprets the reference made therein to the principles of the Universal Declaration of Human Rights and to the rights set forth in article 5 of the Convention as releasing the States parties from the obligation to enact anti-discrimination legislation which is incompatible with the freedoms of opinion and expression and of peaceful assembly and association guaranteed by those texts.

With regard to article 6, France declares that the question of remedy through tribunals is, as far as France is concerned, governed by the rules of ordinary law.

With regard to article 15, France's accession to the Convention may not be interpreted as implying any change in its position regarding the resolution mentioned in that provision.

GERMANY 6/ 7/

[Original: English]

Upon ratification

The Government of the Federal Republic of Germany declares that "the said Convention shall also apply to Land Berlin with effect from the date on which it enters into force for the Federal Republic of Germany".

GUYANA

[Original: English]

Upon ratification

The Government of the Republic of Guyana do not interpret the provisions of this Convention as imposing upon them any obligation going beyond the limits set by the Constitution of Guyana or imposing upon them any obligation requiring the introduction of judicial processes going beyond those provided under the same Constitution.

HUNGARY

[Original: English]

Upon ratification

The Hungarian People's Republic considers that the provisions of article 17, paragraph 1, and of article 18, paragraph 1, of the Convention barring accession to the Convention by all States, are of a discriminating nature and contrary to international law. The Hungarian People's Republic maintains its general position that multilateral treaties of a universal character should, in conformity with the principles of sovereign equality of States, be open for accession by all States without any discrimination whatever.

INDIA

[Original: English]

Upon ratification

The Government of India declares that for reference of any dispute to the International Court of Justice for decision in terms of article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, the consent of all parties to the dispute is necessary in each individual case.

IRAQ 3/

[Original: English]

Upon signature

The Ministry for Foreign Affairs of the Republic of Iraq hereby declares that signature for and on behalf of the Republic of Iraq of the Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations on 21 December 1965, as well as approval by the Arab States of the said Convention and entry into it by their respective Governments, shall in no way signify recognition of Israel or lead to entry by the Arab States into such dealings with Israel as may be regulated by the said Convention. Furthermore, the Government of the Republic of Iraq does not consider itself bound by the provisions of article 22 of the

Convention aforementioned and affirms its reservation that it does not accept the compulsory jurisdiction of the International Court of Justice provided for in the said article.

[Original: Arabic]

Upon ratification

The acceptance and ratification of the Convention by Iraq shall in no way signify recognition of Israel or be conducive to entry by Iraq into such dealings with Israel as are regulated by the Convention.

Iraq does not accept the provisions of article 22 of the Convention, concerning the compulsory jurisdiction of the International Court of Justice. The Republic of Iraq does not consider itself to be bound by the provisions of article 22 of the Convention and deems it necessary that in all cases the approval of all parties to the dispute be secured before the case is referred to the International Court of Justice.

ISRAEL

[Original: English]

Upon ratification

The State of Israel does not consider itself bound by the provisions of article 22 of the said Convention.

ITALY

[Original: French]

Upon signature and on ratification

(a) The positive measures, provided for in article 4 of the Convention and specifically described in subparagraphs (a) and (b) of that article, designed to eradicate all incitement to, or acts of, discrimination, are to be interpreted, as that article provides, "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5" of the Convention. Consequently, the obligations deriving from the aforementioned article 4 are not to jeopardize the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association which are laid down in articles 19 and 20 of the Universal Declaration of Human Rights, were reaffirmed by the General Assembly of the United Nations when it adopted articles 19 and 21 of the International Covenant on Civil and Political Rights, and are referred to in articles 5 (d) (viii) and (ix) of the Convention. In fact, the Italian Government, in conformity with the obligations resulting from Articles 55 (c) and 56 of the Charter of the United Nations, remains faithful to the principle laid down in article 29 (2) of the Universal Declaration, which provides that "in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society".

(b) Effective remedies against acts of racial discrimination which violate his individual rights and fundamental freedoms will be assured to everyone, in conformity with article 6 of the Convention, by the ordinary courts within the framework of their respective jurisdiction. Claims for reparation for any damage suffered as a result of acts of racial discrimination must be brought against the persons responsible for the malicious or criminal acts which caused such damage.

JAMAICA

[Original: English]

Upon ratification

The Constitution of Jamaica entrenches and guarantees to every person in Jamaica the fundamental rights and freedoms of the individual irrespective of his race or place of origin. The Constitution prescribes judicial processes to be observed in the event of the violation of any of these rights whether by the State or by a private individual. Ratification of the Convention by Jamaica does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce judicial processes beyond those prescribed under the Constitution.

KUWAIT 3/

[Original: English]

Upon accession

In acceding to the said Convention, the Government of the State of Kuwait takes the view that its accession does not in any way imply recognition of Israel, nor does it oblige it to apply the provisions of the Convention in respect of the said country.

The Government of the State of Kuwait does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any party to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

LEBANON

[Original: French]

Upon accession

The Republic of Lebanon does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any party to the dispute, to be referred to

the International Court of Justice for decision, and it states that, in each individual case, the consent of all states parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

LIBYAN ARAB JAMAHIRIYA 3/

[Original: English]

Upon accession

(a) The Kingdom of Libya does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

(b) It is understood that the accession to this Convention does not mean in any way a recognition of Israel by the Government of the Kingdom of Libya. Furthermore, no treaty relations will arise between the Kingdom of Libya and Israel.

MADAGASCAR

[Original: French]

Upon signature and on ratification

The Government of the Malagasy Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court.

MALTA

[Original: English]

Upon signature and on ratification

The Government of Malta wishes to state its understanding of certain articles in the Convention.

It interprets article 4 as requiring a party to the Convention to adopt further measures in the fields covered by subparagraphs (a), (b) and (c) of that article should it consider, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights set forth in article 5 of the Convention, that the need arises to enact ad hoc legislation, in addition to or variation of existing law and practice to bring to an end any act of racial discrimination.

Further, the Government of Malta interprets the requirements in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end.

MONGOLIA

[Original: Russian]

Upon ratification

The Mongolian People's Republic states that the provision in article 17, paragraph 1, of the Convention whereby a number of States are deprived of the opportunity to become parties to the Convention is of a discriminatory nature, and it holds that, in accordance with the principle of the sovereign equality of States, the International Convention on the Elimination of All Forms of Racial Discrimination should be open to participation by all interested States without discrimination or restriction of any kind.

MOROCCO

[Original: French]

Upon ratification

The Kingdom of Morocco does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision. The Kingdom of Morocco states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

MOZAMBIQUE

[Original: Portuguese]

Upon accession

Reservation

The People's Republic of Mozambique does not consider to be bound by the provision of article 22 and wishes to restate that for the submission of any dispute to the International Court of Justice for decision in terms of the said article, the consent of all parties to such a dispute is necessary in each individual case.

NEPAL

[Original: English]

Upon accession

The Constitution of Nepal contains provisions for the protection of individual rights, including the right to freedom of speech and expression, the right to form unions and associations not motivated by party politics and the right to freedom of professing his/her own religion; and nothing in the Convention shall be deemed to require or to authorize legislation or other action by Nepal incompatible with the provisions of the Constitution of Nepal.

His Majesty's Government interprets article 4 of the said Convention as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only in so far as His Majesty's Government may consider, with due regard to the principles embodied in the Universal Declaration of Human Rights, that some legislative addition to, or variation of, existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. His Majesty's Government interprets the requirement in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available; and further interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end.

His Majesty's Government does not consider itself bound by the provision of article 22 of the Convention under which any dispute between two or more States parties with respect to the interpretation of application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision.

PAPUA NEW GUINEA

[Original: English]

Upon accession

Reservation

The Government of Papua New Guinea interprets article 4 of the Convention as requiring a party to the Convention to adopt further legislative measures in the areas covered by subparagraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles contained in the Universal Declaration set out in article 5 of the Convention that some legislative addition to, or variation of existing law and practice, is necessary to give effect to the provisions of article 4. In addition, the Constitution of Papua New Guinea guarantees certain fundamental rights and freedoms to all persons irrespective of their race or place of origin. The Constitution also provides for judicial protection of these rights and freedoms. Acceptance of this Convention does not therefore indicate the acceptance of obligations by the Government of Papua New Guinea which go beyond those provided by the Constitution, nor does it indicate the acceptance

of any obligation to introduce judicial process beyond that provided by the Constitution. (The reservation was circulated by the Secretary-General on 22 February 1982.)

POLAND

[Original: French]

Upon ratification

The Polish People's Republic does not consider itself bound by the provisions of article 22 of the Convention.

The Polish People's Republic considers that the provisions of article 17, paragraph 1, and article 18, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, which make it impossible for many States to become parties to the said Convention, are of a discriminatory nature and are incompatible with the object and purpose of that Convention.

The Polish People's Republic considers that, in accordance with the principle of the sovereign equality of States, the said Convention should be open for participation by all States without any discrimination or restrictions whatsoever.

ROMANIA

[Original: French]

Upon accession

The Socialist Republic of Romania declares that it does not consider itself bound by the provisions of article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, whereby any dispute between two or more States parties with respect to the interpretation or application of the Convention which is not settled by negotiation or by the procedures expressly provided for in the Convention shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice.

The Socialist Republic of Romania considers that such disputes may be referred to the International Court of Justice only with the consent of all the parties to the dispute in each individual case.

The Council of State of the Socialist Republic of Romania declares that the provisions of articles 17 and 18 of the International Convention on the Elimination of All Forms of Racial Discrimination are not in accordance with the principle that multilateral treaties the aims and objectives of which concern the world community as a whole, should be open to participation by all States.

RUSSIAN FEDERATION

[Original: Russian]

Upon signature and on ratification

The Union of Soviet Socialist Republics states that the provision in article 17, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.

RWANDA

[Original: French]

Upon accession

The Rwandese Republic does not consider itself as bound by article 22 of the Convention.

SPAIN

[Original: Spanish]

Upon accession

With a reservation in respect of the whole of article 22 (jurisdiction of the International Court of Justice).

SYRIAN ARAB REPUBLIC 3/

[Original: French]

Upon accesion

1. The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said Convention.

2. The Syrian Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision. The Syrian Arab Republic states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

TONGA

[Original: English]

Upon accession

Reservation

To the extent, if any, that any law relating to elections in Tonga may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Tonga which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Tonga may not fulfil the obligations referred to in articles 2, 3 or 5 (e) (v), the Kingdom of Tonga reserves the right not to apply the Convention to Tonga.

Declaration

Secondly, the Kingdom of Tonga wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. Further, the Kingdom of Tonga interprets the requirement in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end. In addition it interprets article 20 and the other related provisions of part III of the Convention as meaning that if a reservation is not accepted the State making the reservation does not become a party to the Convention.

Lastly, the Kingdom of Tonga maintains its position in regard to article 15. In its view this article is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories while making no comparable provisions for States without such territories. Moreover, the article purports to establish a procedure applicable to the dependent territories of States whether or not those States have become parties to the Convention. His Majesty's Government has decided that the Kingdom of Tonga should accede to the Convention, these objections notwithstanding because of the importance it attaches to the Convention as a whole.

UKRAINE

[Original: Russian]

Upon signature and on ratification

The Ukranian Soviet Socialist Republic states that the provision in article 17, pargraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.

UNITED ARAB EMIRATES 3/

[Original: English]

Upon accession

The accession of the United Arab Emirates to this Convention shall in no way amount to recognition of nor the establishment of any treaty relations with Israel.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

Upon signature

Subject to the following reservation and interpretive statements:

First, in the present circumstances deriving from the usurpation of power in Rhodesia by the illegal regime, the United Kingdom must sign subject to a reservation of the right not to apply the Convention to Rhodesia unless and until the United Kingdom informs the Secretary-General of the United Nations that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented.

Secondly, the United Kingdom wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necesary for the attainment of the end specified in the earlier part of article 4. Further, the United Kingdom interprets the requirement in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redres s effective to bring the discriminatory conduct to an end. In addition, it interprets article 20 and

the other related provisions of part III of the Convention as meaning that if a reservation is not accepted the State making the reservation does not become a party to the Convention.

Lastly, the United Kingdom maintains its position in regard to article 15. In its view this article is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories while making no comparable provision for States without such territories. Moreover, the article purports to establish a procedure applicable to the dependent territories of States whether or not these States have become parties to the Convention. Her Majesty's Government has decided that the United Kingdom should sign the Convention, these objections notwithstanding, because of the importance it attaches to the Convention as a whole.

Upon ratification

First, the reservation and interpretative statements made by the United Kingdom at the time of signature of the Convention are maintained.

Secondly, the United Kingdom does not regard the Commonwealth Immigrants Acts, 1962 and 1968, or their application, as involving any racial discrimination within the meaning of paragraph 1 or article 1, or any other provision of the Convention, and fully reserves its right to continue to apply those Acts.

Lastly, to the extent, if any, that any law relating to elections in Fiji may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Fiji which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Fiji may not fulfil the obligations referred to in articles 2, 3 or 5 (e) (v), the United Kingdom reserves the right not to apply the Convention to Fiji.

VIET NAM

[Original: Vietnamese]

Upon accession

Declaration

(1) The Government of the Socialist Republic of Viet Nam declares that the provisions of article 17 (1) and of article 18 (1) of the Convention whereby a number of States are deprived of the opportunity of becoming Parties to the said Convention are of a discriminatory nature and it considers that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all States without discrimination or restriction of any kind.

Reservation

(2) The Government of the Socialist Republic of Viet Nam does not consider itself bound by the provisions of article 22 of the Convention and holds that, for any dispute with regard to the interpretation or application of the Convention to be brought before the International Court of Justice, the consent of all parties to the dispute is necessary. (The reservation was circulated by the Secretary-General on 10 August 1982.)

YEMEN 3/ 8/

[Original: English]

Upon accession

The accession of the People's Democratic Republic of Yemen to this Convention shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said Convention.

The People's Democratic Republic of Yemen does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court of Justice.

The People's Democratic Republic of Yemen states that the provisions of article 17, paragraph 1, and article 18, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be opened to participation by all interested States without discrimination or restriction of any kind.

B. Notifications of withdrawal of certain reservations and declarations

BELARUS

[Original: Russian]
[19 April 1989]

Withdrawal of a reservation

The Government of the Byelorussian Soviet Socialist Republic notified the Secretary-General of its decision to withdraw the following reservation concerning article 22 made upon ratification:

> "The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of article 22 of the Convention under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court

of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court."

BULGARIA

[Original: English]
[24 June 1992]

Withdrawal of a reservation

The Government of Bulgaria notified the Secretary-General of its decision to withdraw the following reservation concerning article 22 made upon signature and confirmed on ratification:

"The People's Republic of Bulgaria does not consider itself bound by the provisions of article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, which provides for the compulsory jurisdiction of the International Court of Justice in the settlement of disputes with respect to the interpretation or application of the Convention. The People's Republic of Bulgaria maintains its position that no dispute between two or more States can be referred to the International Court of Justice without the consent in each particular case of all the States parties to the dispute."

CZECH REPUBLIC

[Original: English]
[26 April 1991]

Withdrawal of a reservation

The Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation on article 22:

"The Czechoslovak Socialist Republic does not consider itself bound by the provision of article 22 and maintains that any dispute between two or more parties over the interpretation or application of the Convention, which is not settled by negotiation or by procedures expressly provided for in the Convention, can be referred to the International Court of Justice only at the request of all the parties to the dispute, if they did not agree to another means of settlement."

DENMARK

[Original: English]
[4 October 1972]

Withdrawal of a reservation

The Government of Denmark notified the Secretary-General that it withdrew the following reservation made with regard to the implementation of the Faroe Islands of the Convention:

"The Home Government of the Faroe Islands has yet to approve the legislation enacted to implement the Convention in the other parts of Denmark."

The legislation by which the Convention has been implemented on the Faroe Islands entered into force by 1 November 1972, from which date the withdrawal of the above reservation became effective.

EGYPT

[Original: English]
[18 January 1980]

Withdrawal of a declaration

The Government of Egypt informed the Secretary-General that it had decided to withdraw the following declaration relating to Israel:

"... does not imply any recognition of Israel, or entering into any relationship with Israel governed by the provisions of the Convention."

The notification indicates 25 January 1980 as the effective date of the withdrawal.

HUNGARY

[Original: English]
[13 September 1989]

Withdrawal of a reservation

The Government of Hungary notified the Secretary-General of its decision to withdraw the following reservation concerning article 22 made upon ratification:

"The Hungarian People's Republic does not consider itself bound by article 22 of the Convention providing that any dispute between two or more States parties with respect to the interpretation or application of the Convention shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision.

The Hungarian People's Republic takes the view that such disputes shall be referred to the International Court of Justice only by agreement of all parties concerned."

MONGOLIA

[Original: Russian]
[19 July 1990]

Withdrawal of a reservation

The Government of Mongolia notified the Secretary-General of its decision to withdraw the following reservation concerning article 22 made upon ratification:

"The Mongolian People's Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court."

RUSSIAN FEDERATION

[Original: Russian]
[8 March 1989]

Withdrawal of a reservation

The Government of the Union of Soviet Socialist Republics notified the Secretary-General of its decision to withdraw the following reservation concerning article 22 made upon ratification:

"The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court."

TONGA

[Original: English]
[28 October 1977]

Withdrawal of certain reservations

The Government of Tonga informed the Secretary-General that it had decided to withdraw the reservations relating to article 5 (c) in so far as

it relates to elections, and its reservations relating to articles 2, 3 and 5 (e) (v), in so far as these articles relate to education and training. For the text of the original reservation, see section A above.

UKRAINE

[Original: Russian]
[20 April 1989]

Withdrawal of a reservation

The Government of the Ukrainian Soviet Socialist Republic notified the Secretary-General of its decision to withdraw the following reservation concerning article 22 made upon ratification:

> "The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court."

C. Objections to reservations and declarations

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

AUSTRALIA

[8 August 1989]

In accordance with article 20 (2), Australia objects to [the reservations made by Yemen] which it considers impermissible as being incompatible with the object and purpose of the Convention.

BELARUS

[29 December 1983]

The ratification of the above-mentioned International Convention by the so-called "Government of Democratic Kampuchea" - the Pol Pot-Ieng Sary clique of hangmen overthrown by the Kampuchean people - is completely unlawful and has no legal force. There is only one State of Kampuchea in the world - the People's Republic of Kampuchea, recognized by a large number of countries. All power in this State is entirely in the hands of its only lawful Government, the Government of the People's Republic of Kampuchea, which has the exclusive right to act in the name of Kampuchea in the international arena, including the right to ratify international agreements prepared within the United Nations.

The farce involving the ratification of the above-mentioned International Convention by a clique representing no one mocks the norms of law and morality and blasphemes the memory of millions of Kampuchean victims of the genocide committed by the Pol Pot-Ieng Sary regime.

BELGIUM

[8 August 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

These reservations are incompatible with the object and purpose of the Convention and consequently are not permitted pursuant to article 20, paragraph 2, of the Convention.

CANADA

[10 August 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

The effect of these reservations would be to allow racial discrimination in respect of certain of the rights enumerated in article 5. Since the objective of the International Convention on the Elimination of All Forms of Racial Discrimination, as stated in its Preamble, is to eliminate racial discrimination in all its forms and manifestations, the Government of Canada believes that the reservations made by the Yemen Arab Republic are incompatible with the object and purpose of the International Convention. Moreover, the Government of Canada believes that the principle of non-discrimination is generally accepted and recognized in international law and therefore is binding on all States.

DENMARK

[10 July 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

Article 5 contains undertakings, in compliance with the fundamental obligations laid down in article 2 of the Convention, to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the rights enumerated in the article.

The reservations made by the Government of Yemen are incompatible with the object and purpose of the Convention and the reservations are consequently impermissible according to article 20, paragraph 2 of the Convention. In accordance with article 20, paragraph 1 of the Convention the Government of Denmark therefore formally objects to these reservations. This objection does

not have the effect of preventing the Convention from entering into force between Denmark and Yemen, and the reservations cannot alter or modify in any respect, the obligations arising from the Convention.

ETHIOPIA

[25 January 1984]

The Provisional Military Government of Socialist Ethiopia should like to reiterate that the Government of the People's Republic of Kampuchea is the sole legitimate representative of the people of Kampuchea and as such it alone has the authority to act on behalf of Kampuchea.

The Provisional Military Government of Socialist Ethiopia, therefore, considers the ratification of the so-called "Government of Democratic Kampuchea" to be null and void.

FINLAND

[7 July 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

The Government of Finland formally, and in accordance with article 20 (2) of the Convention, objects to the reservations made by Yemen to the above provisions.

In the first place, the reservations concern matters which are of fundamental importance in the Convention. The first paragraph of article 5 clearly bring this out. According to it, the Parties have undertaken to guarantee the rights listed in that article "In compliance with fundamental obligations laid down in article 2 of the Convention". Clearly, provisions prohibiting racial discrimination in the granting of such fundamental political rights and civil liberties as the right to participate in public life, to marry and choose a spouse, to inherit and to enjoy freedom of thought, conscience and religion are central in a Convention against racial discrimination. Therefore, the reservations are incompatible with the object and purpose of the Convention, as specified in paragraph 20 (2) thereof and in article 19 (c) of the Vienna Convention on the Law of Treaties.

Moreover, it is the view of the Government of Finland that it would be unthinkable that merely by making a reservation to the said provisions, a State could achieve the liberty to start discriminatory practices on the grounds of race, colour, or national or ethnic origin in regard to such fundamental political rights and civil liberties as the right to participate in the conduct of public affairs, the right of marriage and choice of spouse, the right of inheritance and the freedom of thought, conscience and religion. Any racial discrimination in respect of those general principles of human rights law as reflected in the Universal Declaration on Human Rights and the practice of States and international organizations. By making a reservation a State cannot contract out from universally binding human rights standards.

For the above reasons, the Government of Finland notes that the reservations made by Yemen are devoid of legal effect. However, the Government of Finland does not consider that this fact is an obstacle to the entry into force of the Convention in respect of Yemen.

FRANCE

[15 May 1984]

The Government of the French Republic, which does not recognize the coalition government of the Democratic Cambodia, declares that the instrument of ratification by the coalition government of Democratic Cambodia of the [International] Convention on the Elimination of All Forms of Racial Discrimination, opened for signature at New York on 7 March 1966, is without effect.

[20 September 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

France considers that the reservations made by the Yemen Arab Republic to the International Convention on the Elimination of All Forms of Racial Discrimination are not valid as being incompatible with the object and purpose of the Convention.

Such objection is not an obstacle to the entry into force of the said Convention between France and the Yemen Arab Republic.

GERMANY 6/

[8 August 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

These reservations relate to the basic obligations of State Parties to the Convention to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law and include the enjoyment of such fundamental political and civil rights as the right to take part in the conduct of public life, the right to marriage and choice of spouse, the right to inherit and the right to freedom of thought, conscience and religion. As a result, the reservations made by Yemen are incompatible with the object and purpose of the Convention within the meaning of article 20, paragraph 2 thereof.

ITALY

[7 August 1989]

The Government of the Republic of Italy raises an objection to the reservations entered by the Government of the Arab Republic of Yemen to article 5 [(c) and (d) (iv), (vi) and (vii)] of the above-mentioned Convention.

MEXICO

[11 August 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

The Government of the United Mexican States has concluded that, in view of article 20 of the Convention, the reservation must be deemed invalid, as it is incompatible with the object and purpose of the Convention.

Said reservation, if implemented would result in discrimination to the detriment of a certain sector of the population and, at the same time, would violate the rights established in articles 2, 16 and 18 of the Universal Declaration of Human Rights of 1948.

The objection of the United Mexican States to the reservation in question should not be interpreted as an impediment to the entry into force of the Convention of 1966 between the United States of Mexico and the Government of Yemen.

MONGOLIA

[7 June 1984]

The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by the so-called Democratic Kampuchea, a regime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void.

NETHERLANDS

[25 July 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

The Kingdom of the Netherlands objects to the above-mentioned reservations, as they are incompatible with object and purpose of the Convention.

These objections are not an obstacle for the entry into force of this Convention between the Kingdom of the Netherlands and Yemen.

NEW ZEALAND

[4 August 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

The New Zealand Government is of the view that those provisions contain undertakings which are themselves fundamental to the Convention. Accordingly it considers that the reservations purportedly made by Yemen relating to political and civil rights are incompatible with the object and purpose of the Treaty within the terms of the article 19 (c) of the Vienna Convention on the Law of Treaties.

The Government of New Zealand advises therefore under article 20 of the Convention on the Elimination of All Forms of Racial Discrimination that it does not accept the reservations made by Yemen.

NORWAY

[28 July 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

The Government of Norway hereby enters its formal objection to the reservations made by Yemen.

PAKISTAN

[24 February 1969]

The Government of Pakistan notified the Secretary-General that it "has decided not to accept the reservation made by the Government of India in her instrument of ratification".

RUSSIAN FEDERATION

[28 December 1983]

The ratification of the above-mentioned International Convention by the so-called "Government of Democratic Kampuchea" - the Pol Pot clique of hangmen overthrown by the Kampuchean people - is completely unlawful and has no legal force. Only the representatives authorized by the State Council of the People's Republic of Kampuchea can act in the name of Kampuchea. There is only one State of Kampuchea in the world - the People's Republic of Kampuchea, which has been recognized by a large number of countries. All power in this State is entirely in the hands of its only lawful Government, the Government of the People's Republic of Kampuchea, which has the exclusive right to act in the name of Kampuchea in the international arena, including the right to ratify international agreements prepared within the United Nations.

Nor should one fail to observe that the farce involving the ratification of the above-mentioned International Convention by a clique representing no one mocks the norms of law and morality and is a direct insult to the memory

of millions of Kampuchean victims of the genocide committed against the Kampuchean people by the Pol Pot Sary regime. The entire international community is familiar with the bloody crimes of that puppet clique.

SWEDEN

[5 July 1989]

With regard to reservations made by Yemen concerning article 5 (c) and article 5 (d) (iv), (vi) and (vii):

Article 5 contains undertakings, in compliance with the fundamental obligations laid down in article 2 of the Convention, to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the rights enumerated in the article.

The Government of Sweden has come to the conclusion that the reservations made by Yemen are incompatible with the object and purpose of the Convention and therefore are impermissible according to article 20, paragraph 2 of the Convention. For this reason the Government of Sweden objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Sweden and Yemen, and the reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

UKRAINE

[17 January 1984]

The ratification of the above-mentioned International Convention by the Pol Pot-Ieng Sary clique, which is guilty of the annihilation of millions of Kampucheans and which was overthrown in 1979 by the Kampuchean people, is thoroughly illegal and has no juridical force. There is only one Kampuchean State in the world, namely, the People's Republic of Kampuchea. All authority in this State is vested wholly in its sole legitimate government, the Government of the People's Republic of Kampuchea. This Government alone has the exclusive right to speak on behalf of Kampuchea at the international level, while the supreme organ of State power, the State Council of the People's Republic of Kampuchea has the exclusive right to ratify international agreements drawn up within the framework of the United Nations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[4 August 1989]

The Government of the United Kingdom of Great Britain and Northern Ireland do not accept the reservations made by the Yemen Arab Republic to article 5 (c) and (d) (iv), (vi) and (vii) of the International Convention on the Elimination of All Forms of Racial Discrimination.

VIET NAM

[29 February 1984]

The Government of the Socialist Republic of Vietnam considers that only the Government of the People's Republic of Kampuchea, which is the sole genuine and legitimate representative of the Kampuchean people, is empowered to act in their behalf to sign, ratify or accede to international conventions.

The Government of the Socialist Republic of Vietnam rejects as null and void the ratification of the above-mentioned International Convention by the so-called "Democratic Kampuchea" - a genocidal regime overthrown by the Kampuchean people since 7 January 1979.

Furthermore, the ratification of the Convention by a genocidal regime, which massacred more than 3 million Kampuchean people in gross violation of fundamental standards of morality and international laws on human rights, simply plays down the significance of the Convention and jeopardizes the prestige of the United Nations.

III. TEXTS OF DECLARATIONS RECOGNIZING THE COMPETENCE OF THE COMMITTEE UNDER ARTICLE 14, PARAGRAPH 1, OF THE CONVENTION

General information

Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

The 18 States which have made the declaration under article 14 of the Convention as at 31 May 1993 are as follows:

State party	Date of deposit of the declaration	Effective date
Algeria	12 September 1989	12 September 1989
Australia	28 January 1993	28 January 1993
Bulgaria	12 May 1993	12 May 1993
Costa Rica	8 January 1974	8 January 1974
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Hungary	13 September 1990	13 September 1990
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Russian Federation	1 October 1991	1 October 1991
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971	5 January 1972
Ukraine	28 July 1992	28 July 1992
Uruguay	11 September 1972	11 September 1972

ALGERIA

[12 September 1989]

The Algerian Government declares, pursuant to article 14 of the Convention, that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by it of any of the rights set forth in the Convention.

AUSTRALIA

[28 January 1993]

The Government of Australia hereby declares that it recognizes, for and on behalf of Australia, the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by Australia of any of the rights set forth in the aforesaid Convention.

BULGARIA

[12 May 1993]

In accordance with article 14 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, the Republic of Bulgaria declares that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the Republic of Bulgaria of any of the rights set forth in this Convention.

COSTA RICA

[8 January 1974]

Costa Rica recognizes the competence of the Committee on the Elimination of Racial Discrimination established under article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination to receive and consider, in accordance with article 14 of the Convention, communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the State of any of the rights set forth in the Convention.

DENMARK

[11 October 1985]

(...) Denmark, pursuant to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within Danish jurisdiction claiming to be victims of a violation by Denmark of any of the rights set forth in the Convention, with the reservation that the Committee shall not consider any communications unless it has ascertained that the same matter has not been, and is not being, examined under another procedure of international investigation or settlement.

ECUADOR

[18 March 1977]

The State of Ecuador, by virtue of article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizes the competence of the Committee on the Elimination of Racial

Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of the rights set forth in the above-mentioned Convention.

FRANCE

[16 August 1982]

[The Government of the French Republic declares], in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination opened for signature on 7 March 1966, [that it] recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within French jurisdiction that either by reason of acts or omissions, events or deeds occurring after 15 August 1982, or by reason of a decision concerning the acts or omissions, events or deeds after the said date, would complain of being victims of a violation, by the French Republic, of one of the rights mentioned in the Convention.

HUNGARY

[13 September 1989]

The Hungarian People's Republic hereby recognizes the competence of the Committee established by the International Convention on the Elimination of All Forms of Racial Discrimination provided for in paragraph 1 of article 14 of the Convention.

ICELAND

[10 August 1981]

In accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination which was opened for signature in New York on 7 March 1966 that Iceland recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communication from individuals or groups of individuals within the jurisdiction of Iceland claiming to be victims of a violation by Iceland of any of the rights set forth in the Convention, with the reservation that the Committee shall not consider any communication from an individual or group of individuals unless the Committee has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

ITALY

[5 May 1978]

With reference to article 14, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature at New York on 7 March 1966, the Government of the Italian Republic recognizes the competence of the Committee on the Elimination of Racial Discrimination, established by the aforementioned Convention, to

receive and consider communications from individuals or groups of individuals within Italian jurisdiction claiming to be victims of a violation by Italy of any of the rights set forth in the Convention.

The Government of the Italian Republic recognizes that competence on the understanding that the Committee on the Elimination of Racial Discrimination shall not consider any communication without ascertaining that the same matter is not being considered or has not already been considered by another international body of investigation or settlement.

NETHERLANDS

Upon ratification

In accordance with article 14, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination concluded at New York on 7 March 1966, the Kingdom of the Netherlands recognizes, for the Kingdom in Europe, Suriname and the Netherland Antilles, the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals, or groups of individuals within its jurisdiction claiming to be victims of a violation, by the Kingdom of the Netherlands, or any of the rights set forth in the above-mentioned Convention.

NORWAY

[23 January 1976]

The Norwegian Government recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of Norway claiming to be victims of a violation by Norway of any of the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination according to article 14 of the said Convention, with the reservation that the Committee shall not consider any communication from an individual or group of individuals unless the Committee has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

PERU

[27 November 1984]

[The Government of the Republic of Peru declares] that, in accordance with its policy of full respect for human rights and fundamental freedoms, without distinctions as to race, sex, language or religion, and with the aim of strengthening the international instruments on the subject, Peru recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction, who claim to be victims of violations of any of the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, in conformity with the provisions of article 14 of the Convention.

RUSSIAN FEDERATION

[1 October 1991]

The Union of Soviet Socialist Republics declares that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications, in respect of situations and events occurring after the adoption of the present declaration, from individuals or groups of individuals within the jurisdiction of the USSR claiming to be victims of a violation by the USSR of any of the rights set forth in the Convention.

SENEGAL

[3 December 1982]

... In accordance with [article 14], the Government of Senegal declares that it recognizes the competence of the Committee (on the Elimination of Racial Discrimination) to receive and consider communications from individuals within its jurisdiction claiming to be victims of a violation by Senegal of any of the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination.

SWEDEN

Upon ratification

... Sweden recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of Sweden claiming to be victims of a violation by Sweden of any of the rights set forth in the Convention, with the reservations that the Committee shall not consider any communication from an individual or a group of individuals unless the Committee has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

UKRAINE

[28 July 1993]

In accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, Ukraine declares that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals [within its jurisdiction] claiming to be victims of a violation by [it] of any of the rights set forth in the Convention.

URUGUAY

[11 September 1972]

The Government of Uruguay declares that it recognizes the competence of the Committee on the Elimination of Racial Discrimination, under article 14 of the Convention.

Notes

1/ United Nations publication ST/LEG/SER.E/11, sales No. E.93.V.6.

2/ See resolution 2106 (XX) of 21 December 1965, Official Records of the General Assembly, Twentieth Session, Supplement No. 14 (A/6014), p. 47.

3/ With reference to the following declaration and other declarations in essence, mutatis mutandis, made by the Governments of Iraq, Kuwait, the Libyan Arab Jamahiriya, the Syrian Arab Republic, the United Arab Emirates and Yemen (see below), the Secretary-General has received communications from the Government of Israel informing him of its objection to the above-mentioned declarations. For details of these communications, see the United Nations publication, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1991 (ST/LEG/SER.E/10), p. 120, footnote 8.

4/ The Convention had previously been signed and ratified on behalf of the Republic of China on 31 March 1966 and 10 December 1970 respectively. See note concerning signatures, ratifications, accessions, etc. on behalf of China.

With reference to the above-mentioned signature and/or ratification, communications have been received by the Secretary-General from the Governments of Bulgaria (12 March 1971), Mongolia (11 January 1971), the Byelorussian Soviet Socialist Republic (9 June 1971), the Ukrainian Soviet Socialist Republic (21 April 1971) and the Union of Soviet Socialist Republics (18 January 1971) stating that they considered the said signature and/or ratification as null and void, since the so-called "Government of China" had no right to speak or assume obligations on behalf of China, there being only one Chinese State, the People's Republic of China, and one Government entitled to represent it, the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twentieth regular session of the United Nations General Assembly, contributed to the formulation of the Convention concerned, signed the Convention and duly deposited the instrument of ratification thereof, and that "any statements and reservations relating to the above-mentioned Convention that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under this Convention".

Finally, upon depositary of its instrument of accession, the Government of the People's Republic of China made the following declaration: The signing and ratification of the said Convention by the Taiwan authorities in the name of China are illegal and null and void.

5/ In a communication received subsequently, the Government of France indicated that the first paragraph of the above declaration did not purport to limit the obligations under the Convention in respect of the French Government, but only to record the latter's interpretation of article 4 of the Convention.

6/ The German Democratic Republic had acceded to the Convention on 23 March 1973 with a reservation and a declaration. For the text of the reservation and declaration, see United Nations, Treaty Series, vol. 883, p. 190.

Moreover, on 26 April 1984, the Government of the German Democratic Republic had made the following objection with regard to the ratification made by the Government of the Democratic Kampuchea:

> "The German Democratic Republic does not recognize the so-called Coalition Government of Democratic Kampuchea and therefore regards its instrument of ratification concerning the International Convention on the Elimination of All Forms of Racial Discrimination of [7 March 1966] as being without legal force. The only legitimate representative of the people of Kampuchea is the Government of the People's Republic of Kampuchea. It has the exclusive right to act in the name of Kampuchea in the international arena, including the right to sign and to ratify international agreements."

7/ With reference to the following declaration, the Secretary-General had received communications from a number of States informing him of their objection to the above-mentioned declaration which they consider illegal. For details of these and other communications received by the Secretary-General in connection with the above-mentioned declaration, see the United Nations publication, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1991 (ST/LEG/SER.E/10), p. 120, footnote 5.

8/ On 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to form a single sovereign State called the Republic of Yemen, with Sana'a as its capital. The People's Democratic Republic of Yemen had acceded to the Convention on 18 October 1972. The Yemen Arab Republic had acceded to the Convention on 6 April 1989 with the following reservation:

Reservations in respect of article 5 (c) and article 5 (d) (iv), (vi) and (vii).

As concerns the treaties concluded prior to their union by the Yemen Arab Republic or the People's Democratic Republic of Yemen, the Republic of Yemen as now united is accordingly to be considered as a party to those treaties as from the date when one of these States first became a party to those treaties. Accordingly the tables showing the status of treaties will now indicate under the designation "Yemen" the date of the formalities (signatures, ratifications, accessions, declarations and reservations, etc.) effected by the State which first became a party, those eventually effected by the other being described in a footnote.

ANNEX

STATES PARTIES WHICH HAVE MADE RESERVATIONS AND DECLARATIONS

Articles of the Convention	States parties
Article 1	United Kingdom of Great Britain and Northern Ireland
Article 4	Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Fiji, France, Italy, Malta, Nepal, Papua New Guinea, Tonga and United Kingdom of Great Britain and Northern Ireland
Article 5	Fiji, Tonga and United Kingdom of Great Britain and Northern Ireland
Article 6	Fiji, France, Italy, Malta, Nepal, Tonga and United Kingdom of Great Britain and Northern Ireland
Article 15	Fiji, France, Tonga and United Kingdom of Great Britain and Northern Ireland
Article 17 (1)	Afghanistan, Belarus, Bulgaria, Cuba, Czech Republic, Hungary, Mongolia, Poland, Romania, Russian Federation, Ukraine, Viet Nam and Yemen
Article 18 (1)	Afghanistan, Bulgaria, Cuba, Hungary, Poland, Romania, Viet Nam and Yemen
Article 20	Fiji, Tonga and United Kingdom of Great Britain and Northern Ireland
Article 22	Afghanistan, Bahrain, China, Cuba, Egypt, India, Iraq, Israel, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Morocco, Mozambique, Nepal, Poland, Romania, Rwanda, Spain, Syrian Arab Republic, Viet Nam and Yemen

States parties which have made reservations or declarations of a general nature

Antigua and Barbuda, Bahamas, Barbados, Guyana, Jamaica, Nepal and Papua New Guinea.